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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

National Fair Housing Alliance, Inc., et al.,	)	
	)	Case No. C07-3255 - SBA
Plaintiffs,	)	
	)	<b>JOINT APPLICATION AND</b>
v.	)	<b>STIPULATION TO FURTHER</b>
	)	<b>EXTEND THE DATES FOR THE</b>
<u>A.G. Spanos Construction, Inc.; et al.,</u>	)	<b>INITIAL CASE MANAGEMENT</b>

1	and	)	CONFERENCE, ADR DEADLINES,
2	Knickerbocker Properties, Inc. XXXVIII;	)	AND FOR THE A.G. SPANOS AND
3	and Highpointe Village, L.P, Individually	)	KNICKERBOCKER DEFENDANTS TO
4	and As Representatives of a Class of All	)	FILE RESPONSIVE PLEADINGS TO
5	Others Similarly Situated,	)	THE FIRST AMENDED COMPLAINT
6	Defendants.	)	DEFENDANT CLASS ACTION

7

8 Defendants A.G Spanos Development, Inc.; A.G. Spanos Land Company, Inc.; A.G.

9 Spanos Management, Inc.; and The Spanos Corporation, (collectively referred to as the

10 "A.G. Spanos"), Defendant Knickerbocker Properties, Inc. XXXVIII ("Knickerbocker") and

11 Plaintiffs, through their respective counsel, hereby jointly apply for and stipulate to continue

12 the Case Management Conference for an additional 120 days until April 3, 2008 or the

13 earliest date thereafter convenient for the court. The Case Management Conference is

14 presently scheduled for December 5, 2007. (Docket Entry #36).

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16 These parties also jointly apply for and stipulate to continue other related case

17 schedule and ADR dates. These parties apply for and stipulate that the last day to meet and

18 confer regarding initial disclosures, early settlement, ADR process selection and discovery

19 plan and the last day to file the Joint ADR Certification with Stipulation to ADR Process or

20 Notice of Need for ADR Phone Conference shall be 21 days before the date of the Case

21 Management Conference. The parties also apply for and stipulate that the last day to

22 complete initial disclosures or state objection in the Rule 26(f) Report, file Case Management

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1 Conference Statement and file and serve the Rule 26(f) Report shall be seven (7) days before  
2 the date of the Case Management Conference.

3 In addition, these parties apply for and stipulate to an additional 30 days, or until  
4 December 21, 2007 for the A.G. Spanos and Knickerbocker Defendants to file responses to  
5 the First Amended Complaint Defendant Class Action. The A.G. Spanos responsive  
6 pleadings are now due on November 21, 2007 and Knickerbocker on December 5, 2007.

7 There is good cause to grant these further time changes. Subsequent to these  
8 scheduling orders, the Ninth Circuit rendered a split decision concerning when the statute of  
9 limitations begins to run in a design and construction claim under the Fair Housing Act.  
10 *Garcia v. Brockway*, --- F.3d ---, 2007 WL 2728753 (C.A. 9 (Idaho)), 07 Cal. Daily Op.  
11 Serv. 1310. The parties have conferred but have been unable to resolve their differences  
12 regarding *Garcia's* application to this case. The A.G. Spanos Defendants will respond to the  
13 amended Complaint with a motion to dismiss based, in part, upon this recent decision.  
14 Additional time is needed to allow the parties to brief and for the Court to consider this  
15 question prior to the case management conference. This outcome may affect the number of  
16 multifamily properties, which are the subject of Plaintiffs' amended complaint.

17 Furthermore, prior changes in the date of the case management conference were  
18 brought about by Plaintiffs amendment of their Complaint to add a putative class of  
19 defendants composed of the current owners of apartment complexes designed and or built by  
20 the A.G. Spanos Defendants. The Court first changed the Case Management Conference to  
21 October 23, 2007 to coincide with the date then set for hearing Plaintiffs' motion for leave to

1 amend their Complaint. (Docket Entry # 29). Plaintiffs subsequently withdrew that motion  
2 when the A.G. Spanos Defendants agreed not to oppose this filing. (Docket Entry # 33).  
3 The Court cancelled the hearing and the Amended Complaint, Defendant Class Action was  
4 filed on October 12, 2007. The Court then continued the case management conference until  
5 December 5, 2007 to permit participation in these proceedings by the newly added putative  
6 defendants. (Docket Entry #36). Plaintiffs have only recently been able to serve Putative  
7 Defendant Highpointe Village, L.P. ("Highpoint") with the amended Complaint, however.  
8 Therefore, additional time is needed to allow Highpoint to participate in the Case  
9 Management Conference and the related events.  
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12 Respectfully Submitted,  
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15 /S/  
16

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Dated: November 16, 2007


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A.G. Spanos Management, Inc.

Dated: November 16, 2007

/S/

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Inc. XXXVIII.

Dated: November 16, 2007



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Inc. XXXVIII.

Dated: November 16, 2007

National Fair Housing Alliance, Inc., et al., )  
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Plaintiffs, )  
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v. )  
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A.G. Spanos Construction, Inc.; et al., )  
and )  
 )  
Knickerbocker Properties, Inc. XXXVIII; )  
and Highpointe Village, L.P, Individually )  
and As Representatives of a Class of All )  
Others Similarly Situated, )  
 )  
Defendants. )  
 )

Case No. C07-3255 - SBA

**JOINT APPLICATION AND  
STIPULATION TO FURTHER  
EXTEND THE DATES FOR THE  
INITIAL CASE MANAGEMENT  
CONFERENCE, ADR DEADLINES,  
AND FOR THE A.G. SPANOS AND  
KNICKERBOCKER DEFENDANTS TO  
FILE RESPONSIVE PREADINGS TO  
THE FIRST AMENDED COMPLAINT  
DEFENDANT CLASS ACTION**

Pursuant to the stipulation of counsel, and good cause appearing therefor, it is hereby ordered that the case management conference in the above-referenced action will be continued until \_\_\_\_\_, 2008 at \_\_\_\_\_. The last day to meet and confer regarding initial disclosures, early settlement, ADR process selection and discovery plan and the last day to file the Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference shall be 21 days before the date of the case management conference. The last day to complete initial disclosures, file the Case Management Conference Statement and file and serve the Rule 26(f) Report shall be seven (7) days before the date of the case management conference.

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JOINT APPLICATION AND STIPULATION TO FURTHER EXTEND DATES  
FOR THE INITIAL CASE MANAGEMENT CONFERENCE, ADR  
DEADLINES; AND FOR THE A.G. SPANOS AND KNICKERBOCKER  
DEFENDANTS TO FILE RESPONSIVE PLEADINGS TO THE FIRST  
AMENDED COMPLAINT [PROPOSED] ORDER- CASE NO. C-07-3255-  
SRA

1 Properties, Inc. XXXVIII shall have until December 21, 2007 to file responsive pleadings to  
2 Plaintiffs' First Amended Complaint Defendants Class Action.

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4 Pursuant to stipulation, it is so ordered.

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6 Dated: \_\_\_\_\_, 2007.

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10 Sandra Brown Armstrong  
11 United States District Judge  
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**CERTIFICATE OF SERVICE  
NORTHERN DISTRICT OF CALIFORNIA**

I hereby certify that on November 16, 2007, a copy of the foregoing  
Joint Application and Stipulation to Further Extend Dates for Initial Joint  
Management Conference, ADR Deadlines and Deadline for the A.G. Spanos and  
Knickerbocker Defendants to File Responsive Pleadings to the First Amended  
Complaint and [Proposed] Order was served upon the following by electronic mail:

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